IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1336/01

Rajaram **Versus** State & Anr.

DATE OF ORDER :: 14/09/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

None present for petitioner
Mr. Arun Sharma, Public Prosecutor for State
Mr. Rajendra Kumar Sharma

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Instant petition has been filed by complainant-petitioner assailing the order dated 19th July, 2001 whereby learned trial Judge declined to take cognizance against accused-respondent – against which revision petition has been preferred which was dismissed on 5th October, 2001.

Complainant-petitioner filed a complaint u/ss.420 & 406 IPC before the Court of Learned Chief Judicial Magistrate, Sawaimadhopur on 2nd February, 2001 in which it was alleged that he paid a sum of Rs.1 lac to the accused-respondent to carry out certain work and he infact has dishonestly deceived him. Their statements u/ss.200 & 202 Cr.P.C. were also recorded. After taking into consideration the complaint and so also the statements recorded, learned trial Judge in his order observed that it is a case of pure civil nature and infact the accused-respondent

took money on interest. As such, no prima facie material came to record which may establish to take cognizance against accused-respondent and the revision petition preferred was also dismissed.

This court has gone through the order impugned and does not find any infirmity which may call for interference.

Consequently, the misc. petition fails and is hereby dismissed. Record be sent back to trial court.

[AJAY RASTOGI],J.

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